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6 Attorneys for plaintiff
 JDS BUILDERS GROUP, INC.

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10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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13 JDS BUILDERS GROUP, INC., a California
 corporation,

14 Plaintiff,

15 v.

16 SCOTTSDALE INSURANCE COMPANY, an
 17 Ohio corporation; and DOES 1-10, inclusive,

18 Defendants.

Case No. 3:15-cv-00297 VC

**STIPULATION OF JDS
 BUILDERS GROUP AND
 SCOTTSDALE TO FILE FIRST
 AMENDED COMPLAINT IN
 LIEU OF OPPOSITION TO
 MOTION TO DISMISS
 PURSUANT TO FRCP 12(B)(6);
 and [PROPOSED] ORDER
 THEREON**

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20 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN plaintiff
 21 JDS Builders Group, Inc. ("JDS"), and defendant Scottsdale Insurance Company
 22 ("Scottsdale"), by and through their respective attorneys of record, as follows:

- 23 1. On March 4, 2015, Scottsdale filed and served its Notice of Motion And
 24 Motion To Dismiss Pursuant To FRCP 12(B)(6) on counsel for JDS.
 25 2. Under Local Rule 7-3, JDS' opposition to Scottsdale's FRCP 12(b)(6)
 26 Motion is currently due March 18, 2015.
 27 3. The hearing date is currently set for April 16, 2015 at 10:00 a.m. in
 28 Courtroom 4.

1 4. In accordance with Local Rule 6-2(a), Counsel for JDS and Scottsdale
2 met and conferred and agreed as follows:

- 3 (1) In lieu of filing an opposition to Scottsdale's FRCP 12(b)(6)
4 Motion, JDS will file the attached First Amended Complaint;
5 and
6 (2) The April 16, 2015 hearing date is vacated.

7 5. The parties hereby reserve their respective rights to assert any and all
8 permissible claims, counter-claims, affirmative defenses or objections in this action,
9 and nothing in this stipulation shall be construed as a waiver of such rights.

10 IT IS SO STIPULATED:

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12 Dated: March 17, 2015

WOLKIN • CURRAN, LLP

/s/ Dawn A. Silberstein

13
14 By: _____
15 Brandt L. Wolkin
16 Dawn A. Silberstein

Attorneys for plaintiff JDS GROUP, INC.

17 Dated: March 17, 2015

SELMAN BREITMAN, LLP

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19 By: _____
20 James R. Tenero, Esq.
21 Joshua S. Leach, Esq.
22 Sheryl W. Leichenger, Esq.

Attorneys for defendant SCOTTSDALE
INSURANCE COMPANY

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**[PROPOSED] ORDER
APPROVING STIPULATION**

Pursuant to the parties' Stipulation, IT IS SO ORDERED.



Dated March 18, 2015

The Honorable Vince Chhabria,
Judge of the United States District Court